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THESE MINUTES ARE IN DRAFT FORM AND WORDING COULD CHANGE UPON APPROVAL

MINUTES OF THE MEETING OF THE
SAN LUIS OBISPO COUNTY PLANNING COMMISSION

MEETING DATE: Tuesday, November 30, 2004

MEETING LOCATION AND SCHEDULE

Regular Planning Commission meetings are held in the Board of Supervisors Chambers, County Government Center, San Luis Obispo, on the second and fourth Thursdays of each month. Regular Adjourned Meetings are held when deemed necessary. The Regular Meeting schedule is as follows:

Meeting Begins:	8:45 a.m.
Morning Recess:	10:00 - 10:15 a.m.
Noon Recess:	12:00 - 1:30 p.m.
Afternoon Recess:	3:00 - 3:15 p.m.

ALL HEARINGS ARE ADVERTISED FOR 8:45 A.M. HOWEVER, HEARINGS GENERALLY PROCEED IN THE ORDER LISTED. THIS TIME IS ONLY AN ESTIMATE AND IS NOT TO BE CONSIDERED AS TIME GUARANTEED. THE PUBLIC AND APPLICANTS ARE ADVISED TO ARRIVE EARLY.

PRESENT: Commissioners Wayne Cooper, Doreen Liberto-Blanck, Sandra Nielsen, Bob Roos, Chairman Eugene Mehlschau

ABSENT: None

STAFF: Warren Hoag, Division Manager, Current Planning
Chuck Stevenson, Supervising Planner
Elizabeth Kavanaugh, Planner
John Busselle, Planner
James Lopes, Planner
Kami Griffin, Supervising Planner
John Nall, Principal Environmental Specialist
Jay Johnson, Planner

OTHERS: Mike Goodwin, Public Works
Tim McNulty, County Counsel

Meeting is called to order by Chairman Mehlschau.

The following action minutes are listed as they were acted upon by the Planning Commission and as listed on the agenda for the Regular Meeting of November 30, 2004, together with the maps and staff reports attached thereto and incorporated therein by reference.

Roll Call

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Public Comment Period:

Eric Greening. States Board authorized TDC's recently. Wishes to know role of advisory committees, and what the time windows will be.

Planning Staff Updates. Responds to Mr. Greening, stating the Board authorized amendments last week establishing tighter criteria for when receiver sites can occur in agricultural land use category, including the possibility of not allowing it at all. The Public review period will take place, following which a defined ordinance amendment will go through procedural steps, and end up at Board of Supervisors. Local agency and advisory committee input will be sought.

Commissioners request staff clarify procedures, with Mr. Hoag responding.

Consent Agenda:

No public testimony.

Thereafter, on motion by Commissioner Roos, seconded by Commissioner Liberto-Blanck, and unanimously carried, to approve the Consent Agenda, as follows:

- a. Determination of conformity with the General Plan for the abandonment of a portion of Santa Isabel Avenue/Park Avenue. Applicant: Morro Rock Mutual Water Co. County File No. SUB2004-00024. Assessor Parcel No. 064-081-057. Residential Single Family Land Use Category. The project is located in the Cayucos area of the Estero Planning Area. Supervisorial District #2.

HEARINGS

- #1. This being the time set for hearing the consider proposal by GIANNI MANUCCI for a Third Time Extension to allow for the building of a bed and breakfast that was approved as part of Development Plan D990226D. This Development Plan included construction of a storage area within an existing building, construction of a winery, tasting room, bed and breakfast, and a storage cave. The facility will have the capacity to process 10,000 cases of wine per year. They also propose to conduct twelve (12) special events per year with up to 250 people per event. The winery and tasting room have already been completed. This project is in the Agriculture Land Use Category. The property is located in the county at 3775 Adelaida Road, immediately west of Stag's Leap Way, approximately 3 miles west of the community of Paso Robles, APN: 026-231-059, in the Adelaida Planning Area. A previously issued Negative Declaration was approved November 9, 2000 in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures identified for: Biological Resources, Drainage, Erosion & Sedimentation, Water Resources, Pollution, Aesthetic/Cultural Resources, Growth Inducing/Cumulative Effects. County File Number D990226D. Date application accepted: June 2, 2000. Supervisorial District #1.

Elizabeth Kavanaugh, staff, gives the staff report.

No public testimony.

Thereafter, on motion by Commissioner Roos, seconded by Commissioner Liberto-Blanck, and unanimously carried, to grant a Third Time Extension to November 9, 2005 to Gianni Manucci for Development Plan D990226D.

- #2. This being the time set for continued hearing to consider proposal by C3J, LP / Clyde and Joan Schlund for an Ordinance Amendment to amend the Land Use Ordinance, Section 22.104.040.C.6 to remove a 10-acre minimum parcel size restriction on an approximate 43-acre property within the Residential Rural Land Use Category. The site is located in the county on the north side of Vineyard Drive approximately 2,000 feet west of Bethel Road, adjacent to the Templeton Urban Reserve Line, APN: 040-271-038, -039, -040, and -041, in the Salinas River Planning Area. Also to be considered at the hearing will be approval of the Environmental Document prepared in accordance with the applicable provisions of the California Environmental

Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures identified for: Aesthetics; Air Quality; Biological Resource; Cultural Resources; Geology & Soils; Noise; Circulation; Public Service/Utilities; Recreation; Wastewater; Water. County File No. G030014W. Date application accepted: June 8, 2004. Supervisorial District #1.

Jim Lopes, staff, presents staff report. Discusses changes that were handed out. Applicant has agreed to a cluster concept. The subject property is the only parcel in that vicinity with Residential Rural zoning. To the west and north is Agriculture land use category and to the south is the Residential Suburban land use category in the urban reserve line. The site has previously been in dry-farm agricultural farming. Discusses a five acre density and whether this would encourage other land owners to apply for similar amendments. Discusses a letter received supporting existing standards. Staff is recommending one residence per parcel rather than secondary dwellings on property. Staff also suggests that a community water system be used on the site in order for the clustered parcel to be 1 acre in size and the open space to be as large as possible.

Commissioner Roos questions the availability of TDC's. Kami Griffin, staff, responds that sending sites can be created in the required area and what current ordinance standards allow. Commissioner Roos questions Public Works on existing access to the 10 acre parcels (easement to back two parcels) and whether that is the best place for access. Richard Marshall, staff, responds that access points would be reviewed if a new land division map was filed, that there would be the authority to require construction of improvements, combination of driveways, or to bring driveway up to current standards regarding site distance. Commissioner Roos questions whether the parcel would qualify for a 7 or 8 lot division. James Lopes, staff responds on the feasibility of eight parcels. Commissioner Roos questions visual impact and if project can build behind the dotted line on the map that would be out of the viewshed of the public road. Questions where the Urban Reserve Line is. James Lopes, staff, responds. States there is room out of the viewshed to cluster the lots and that the four existing parcels can be developed with only building permits and are not required to build out of the viewshed. Notes that the Urban Reserve Line and Urban Services Line are adjacent to the property. Commissioner Roos questions advantages of having community water. Kami Griffin, staff, responds and states policies that discourage urban water outside of URL. James Lopes, staff responds that Environmental Health and Planning see no advantage to the Templeton Community Services District providing water.

Rob Lewin, CDF. States that they would like to see them serviced by community water service system such as TCSD. for fire water

Commissioner Nielsen states that she would like clarification regarding the advisory committee meeting. Questions the current density allowed (4 primary - 4 secondary). Notes that the proposed density would not be different if parcels are restricted to one dwelling unit per parcel. Notes that clustering would control creating open space along the road and questions if this was discussed at the advisory group meeting. James Lopes, staff, responds. Discusses process for cluster land divisions versus building permits for the existing lots.

Tom Vaughan, applicant's representative requests PC approve proposal. Notes the high density across the street, the fact that the density would not be increased and that the cluster proposal would create open space along the road and control over the location of the residences on the sites.

Commissioner Roos questions the applicant's representative about what is across the street from project. Uses overhead to point out that the density is not located directly across the street. Questions if a ghost map was done to prove up 7 or 8 parcels. Tom Vaughan, applicant's representative, responds that a ghost map was not done but that he feels the project could qualify for 8 lots.

Rich Howell, Templeton Area Advisory Group (TAAG) States project was reviewed twice and denied twice. States this parcel is a buffer. Refers to letter and reads from it. Encourages PC to deny project. Commissioner Roos questions the TAAG representative whether the items that Commissioner Nielsen pointed out regarding density and control of building site location were discussed by TAAG. Rich Howell,

TAAG responds. States this was not specifically addressed but that the cluster design and the use of TDC's was of particular concern. Commissioner Roos questions the TAAG representative on the fact that the Templeton Design Plan supports cluster divisions as the preferable subdivision design. Rich Howell, TAAG responds that TAAG recognizes that is what the Templeton Design Plan states.

Commissioner Roos asks the applicant's representative whether applicant can accept a restriction on secondary dwellings. Tom Vaughn, applicant's representative states that they are willing to accept this limitation.

Commissioner Liberto-Blanck questions how the ordinance would prohibit secondary dwellings. James Lopes, staff responds by stating that the restriction is already in the proposed ordinance.

Commissioner Roos states viewpoint on project and gives opinion. Will stand by current standards.

Commissioner Nielsen states opinion relative to one home per lot in a 16 lot cluster versus eight cluster homes and eight affordable housing units (secondary dwellings).

Commissioner Cooper agrees with Commissioner Nielsen's opinion regarding eight homes with current standards and supports staff recommendations.

Chairman Mehlschau states he would go with TAAG's vote of 7-0 to not support the project.

Commissioner Liberto-Blanck states she is swayed by the TAAG 7-0 vote also.

Thereafter, on the motion of Commissioner Roos, seconded by Commissioner Liberto-Blanck, and on the following roll call vote, to wit: AYES: Chairman Mehlschau, Commissioners Roos and Liberto-Blanck NOES: Commissioners Cooper and Nielsen ABSENT: None that the San Luis Obispo County Planning Commission recommends to the Board of Supervisors of the County of San Luis Obispo, State of California, **denial** of Land Use Ordinance amendment G030014W as shown in Exhibit G0300014W:A based on the findings as follows: A) The Templeton Area Advisory Group unanimously recommended against approving the request at its November 18, 2004 meeting; B) The proposal would be a significant change to the existing limitation that restricts the minimum parcel size to 10 acres; C) A similar proposal was made during the update of the Salinas River Area Plan and was denied on January 2, 1996; D) The proposal is precedent setting for other properties in the area to pursue similar amendments, which would erode Templeton's urban boundary and infringe on agricultural uses; E) There is an adequate inventory of vacant Residential Rural property that allows a 5- acre minimum parcel size in the vicinity of Templeton; F) The existing access is adequate and the amendment is not needed to improve access to the site; and G) The request is pre-mature until such time as Templeton develops a Community-Based TDC Program.

#3. This being the time set for continued hearing to consider proposal by JEFF NELSON / OAK CREEK RANCH for a Conditional Use Permit to allow establishment of a visitor serving resort facility consisting of: Phase I: conversion of an existing 10-bedroom single family residence to a visitor serving building, use of an existing single family residence / poolhouse adjacent to the pool as a caretakers unit, use of the pool and portions of the poolhouse by visitors and use of an existing barn for visitor serving purposes; Phase II: construction of a spa building, log cabin bar building, two 10-bedroom buildings and one observatory building, all for use by visitors; construction of a 4-bedroom residence for employees and construction of one maintenance building; Phase III: improvement of internal access roads, construction of one 11-bedroom, two 10-bedroom, and one 2-bedroom visitor serving buildings. The request also includes 20 special events per year with up to 175 persons per event. The project will result in approximately 72, 243 square feet of site disturbance, in the Rural Lands / Agriculture Land Use Categories. The property is located in the county on the north side of Parkhill Road, approximately one mile north of Pozo Road, approximately 3.3 miles north of Pozo, at 760 Parkhill Road, APN's: 071-061-002, 071-191-004, and 071-051-017 in the Las Palitas / Los Padres Planning Area. Also to be considered at the

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hearing will be approval of the Environmental Document prepared in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures identified for: Biological Resources; Geology & Soils; Public Services / Utilities; Wastewater; and Water. County File No. D000359D. Date application accepted: September 10, 2002. Supervisorial District #5.

John Busselle, staff, presents the staff report. States a few changes have been made based on Commission input.

Commissioner Nielsen states she has reviewed the videotape of this project, and is prepared to participate in the decision on this project. Chairman Mehlschau states he plans to take public testimony today. Commissioner Nielsen states she has visited the site and met with the applicant. Commissioner Roos, requests clarification of roof access from CDF letter submitted today. Robert Lewin, CDF, states landscaping access to a roof can be such as an earth mound.

Jeff Nelson, Applicant. States his family owns the property, as they have for 16 years. Describes history of the application. States this will be a retreat in a rural setting. Describes history of uses on the property. States the proposed use is appropriate on the site. States the many benefits that can be realized by visitors to the retreat. States the proposed uses are aligned with neighborhood interests, more than the neighbors realize. Refers to a supportive petition submitted at the last meeting. States a nature retreat is a valuable addition to people's lives. Requests number of visitor bedrooms be 20, not 10 (see page 9 of staff report). Requests they be allowed to come back in 24 months to apply for changes. States the bedroom uses are the most important. However, requests 12 outside events, not 5, stating originally they proposed 20.

Commissioners continue asking clarifying questions, with applicant responding.

John Busselle, staff, states the application is for a resort. States this permit will allow nightly rentals.

Jeff Nelson, applicant, states the intent is clearly to rent to groups, but there is also plan for events such as mother-daughter weekends. That will be a group at the resort, but not a pre-formed group. There will be events that draw groups of people, such as chef events. States they will not allow people to simply drive in, and it will be by reservation only. That is the relation between group rental and the permit.

Commissioners ask clarifying questions, and discuss the matter.

C. Z. Whitney. States the Advisory Council, of which he is chair, voted against the project by a narrow margin. States he now represents himself, as a neighbor. States the applicant has already created some problems. States there are more than one or two people who oppose the project. States "he" has called police a number of times, once for a neighbor's party, and once for a shooting incident in the area. States the concern is that the facility will prevent others in the area from pursuing their desires. States already nuisance has been created. Gives some history of the area.

Rhonda Rodenberger, area resident. States there is a long-standing property line dispute that has not yet been resolved. Refers to an email she wrote describing an incident involving 17 people on applicant's property. Speculates about the number of people who could possibly attend at the same time. States monitoring numbers of people will be difficult. States the applicant's website gives no phone numbers. States further phases beyond those proposed now are also not desired. States a transient population in the neighborhood is not desired.

Eric Dalton, area resident on Pozo Road. Relates an anecdote regarding a 1200 square foot unit that may not be permitted. States if applicant is given an inch, he will take a mile. States there is little faith in government today, which is supposed to be for other than the rich.

Amelia Alvarez-Harris, area resident. States the applicant operates without standards. States nothing like this exists elsewhere in the county, stating applicant has so stated. States applicant built an unpermitted barn, states he built 10 bedrooms and they do not meet standards. Access is not to standard. States applicant has circumvented many requirements. States she is upset with the way he has proceeded so far, and if this is approved, he will simply go on and on.

Patrick Fahey, area resident. States this is an enforcement issue. States noise and traffic problems currently exist. States the government has no mechanism to enforce standards. Requests applicant be allowed to operate as he presently does, but not allowed to expand.

Eric Greening. States enforcement is an issue, with a barn supposedly agriculture exempt that is being used for everything except agricultural activity. Wonders about enforcement and permitting to date. States the new allegation regarding 10 new bedrooms brings questions regarding permits. States existing enforcement issues must be resolved before new permits. States there is no liquor license because none is needed for a vacation rental. States people are bringing their own alcohol. States this proposal includes events with people not staying at the resort, and alcohol will be provided, making the possibility of intoxicated drivers leaving the site very high. States it is premature to approve any expansion of the current use. Wonders whether an alcohol-free zone can be legislated as part of any expansion. Requests enforcement be done before approval of any expansion.

Commissioner Nielsen states she has visited the site, and there is no evidence of anyone sleeping in the barn. States there is no issue regarding alcohol if applicant has permits required.

Jeff Nelson, applicant, states they have permits for everything they are required for. States as far as alcohol, there is no intention of having people arrive, drink, and leave. The intention is for a safe environment and any required license will be obtained as necessary for any use of alcohol.

Commissioners request further information and clarification from staff, with John Busselle responding. Further discussion takes place regarding conditions. The matter is fully discussed.

Thereafter, a motion by Commissioner Cooper, seconded by Commissioner Nielsen is discussed. Motion maker and second amend their motion, and thereafter, on motion by Commissioner Cooper, seconded by Commissioner Nielsen, and carried, with Commissioners Liberto-Blanck and Roos voting no, to adopt the Negative Declaration in compliance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and **RESOLUTION NO. 2004-091** granting a Conditional Use Permit to JEFF NELSON / OAK CREEK RANCH for the above referenced project, based on the Findings in Exhibit A and subject to the Conditions in Exhibit B, amended as follows: Condition 8, revise to read: "Outdoor events shall occur between 10:00 AM and 9:00 PM. Outdoor amplified music is not allowed."; add new Condition 12 to read: "Thirty (30) days prior to holding any event, the applicant shall submit an event transportation plan to the Planning and Building Department for review and approval. To the maximum extent feasible, the plan shall provide for group transportation to the event."; and renumber as appropriate. Revise Condition 41, to read: "42. At the time of application for construction permits, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, all items contained in the fire safety plan from CDF dated February 6, 2002, and the letter from CDF, October 13, 2004, unless amended by the CDF/County Fire Department."; renumber Conditions 42 through 46 as appropriate. Add new Conditions 48 through 52 as follows: "48. Overnight stays at the facility shall be by advance reservation only. 49. Group transportation of guests to the facility shall be encouraged. "50. The applicant shall prepare a guest orientation program for review and approval by the Planning and Building Department prior to operating the facility. "51. The applicant shall provide neighbors with a phone number for contact when guests are on the property. "52. A responsible person shall be on the property at all times when guests are present."; revise Condition 48 to read: "54. The onsite sale of alcoholic beverages is not permitted."; revise Condition 50 to read: "56. Prior to using the Ag exempt barn, lodge or poolhouse for resort purposes, the applicant shall obtain a building permit to change the use of the structure."; add new Condition 58, to read: "58. Prior to use of the pool or spa

area for resort purposes, the applicant shall obtain any permits required by County Environmental Health and the Regional Water Quality Control Board.”; and renumber all Conditions as appropriate, adopted.

Commissioner Liberto-Blanck departs the meeting.

#4. This being the time set for hearing to consider a request by WOODLANDS VENTURES, LLC to amend the Woodlands Specific Plan to add 5.4 acres of the 22.8 acre resort site to the first phase (Phase 1A), exchange the location of the residential multi-family site with that portion of the resort site, increase the number of multi-family units from 80 to 100, decrease the number of allowable single family units from 1,240 to 1,220 and modify the floor area ratios for residential single-family lots. The total number of residential units would remain at 1,320 as previously approved. No changes in allowable uses are proposed. The property is located in the county on the Nipomo Mesa approximately two miles west of the community of on the east side of Highway One approximately one-half mile south of Willow Road, in the South County (Inland) Planning Area. APN: 092-411-003, 091-261-001, 091-221-001, -009, and -010. The Environmental Coordinator is recommending the proposed amendment be found consistent with the certified 1998 Woodlands Final Environmental Impact Report (EIR). County File Number G030017S. Supervisorial District #4.

Jay Johnson, staff Presents staff report. States water usage would decrease. Discusses lot coverage.

Victor Montgomery, representing applicant states that the Nipomo Advisory committee has reviewed the proposal and recommended approval, and that staff reviewed the proposal and is recommending approval.

Commissioner Roos questions moving multi-family from the village center. Victor Montgomery, representing applicant states that the location is still within walking distance of village center.

Thereafter, on the motion of Commissioner Mehlschau, seconded by Commissioner Roos and on the following roll call vote, to wit: AYES: Chairman Mehlschau, Commissioners Roos, Cooper, and Nielsen NOES: None ABSENT: Commissioner Liberto-Blanck, **RESOLUTION NO. 2004-092**, recommending to the Board of Supervisors to amend the Woodlands Specific Plan as appears on Exhibit G030017S:A subject to the recommended findings and that the previously certified Final Environmental Impact Report (FEIR) is adequate for the purposes of compliance with CEQA because no substantial changes are proposed in the project which will require major revision of the previously certified FEIR, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previously certified FEIR, and no new information of substantial importance has been identified which was not known at the time that the previous FEIR was certified, adopted.

5. This being the time set for hearing to consider proposal by Ron and Taverer Holland for a Minor Use Permit/ Tentative Tract Map / Lot Line Adjustment to allow (1) approximately three acres of grading for access roads, building pads, and restoration (a majority of which has already been completed); (2) a lot line adjustment between two existing lots from 29.9 and 48.5 acres to 27.99 and 50.43 acres, respectively; and (3) the subdivision of three lots totaling 136 acres (excluding the 27.99-acre parcel included in the lot line adjustment) into six lots of approximately 20 acres each for the sale of each proposed lot in the Rural Lands Land Use Category. The property is located in the county on the east and west sides of Ormonde Road, approximately 0.75 mile east of Price Canyon Road, approximately five miles south of the City of San Luis Obispo, APN: 044-241-035, -036, -037 and 044-301-004, in the South County (Inland) Planning Area. Also to be considered at the hearing will be approval of the Environmental Document prepared in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures identified for: Biological Resources; Drainage, Erosion & Sedimentation; eological Hazards / Site Alteration; Water Resources; Pollution; Public Services; Hazards. County File No. D000333P / S980246T / TRACT 2507 /

SUB2004-00044. Date application accepted: October 18, 2000 and September 6, 2004. Supervisorial District #3.

Shawna Scott, Morro Group, gives the staff report. Displays overhead maps and photographs, describing location and layout. Describes combining designation. States the oil wells on site have been abandoned and capped. States grading exceeding 1 acre was undertaken without permits by the previous owner, so a Minor Use Permit is required. Further describes existing conditions, and applicant's request.

Commissioners request further information and clarification, with applicant responding.

John Nall, staff, states applicant is proposing a revised building envelope on Lot 1. Displays on overhead. States the Negative Declaration is adequate with this revision included.

Tavener Holland, applicant. States power meters are in and wiring underground has been done. Regarding expansion of building envelope on Lot 1 states he hopes to get a residence and/or barn on that lot.

Public Testimony – None

Commissioners request further information and clarification, with staff responding.

The matter is fully discussed, and, thereafter, on motion by Commissioner Nielsen, seconded by Commissioner Cooper, and carried, in the absence of Commissioner Liberto-Blanck, to adopt the Negative Declaration in compliance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and **RESOLUTION NO. 2004-093**, granting a Minor Use Permit to RON AND TAVENER HOLLAND for the above referenced project, based on the Findings in Exhibit A and subject to the Conditions in Exhibit D, as presented; and **RESOLUTION NO. 2004-094** granting a Vesting Tentative Tract Map to RON AND TAVENER HOLLAND for the above referenced project, based on the Findings in Exhibit C and subject to the Conditions in Exhibit F, as presented; and **RESOLUTION NO. 2004-095**, granting a Lot Line Adjustment to RON AND TAVENER HOLLAND for the above referenced project, based on the Findings and Exhibit B and subject to the Conditions in Exhibit E, with the following changes: delete Condition 10, and subject to Standard Conditions of Approval for Subdivisions Using Individual Wells and Septic Tanks, adopted.

#6. This being the time set for hearing to consider proposal by Andrew Charnley for a Conditional Use Permit / Tentative Tract Map to subdivide a 3.81 acre parcel into 45 parcels for the construction of 41 attached single family townhouses. The residential development consists of 41 parcels of approximately 0.04 acres to 0.07 acres in size and three open space lots. A community recreation area with a swimming pool, a gazebo, restrooms and a BBQ facility with landscaping is also proposed. The project includes a pedestrian path along the western perimeter and through the site to access the open space area to the south. The project also includes a connection to an access bridge and road to Las Tablas Road and a gated emergency entrance to Posada Lane. Three access roads within the subdivision are also proposed. The proposed subdivision and construction of 41 attached housing units is related to a previously approved development plan for a senior care medical facility on an adjacent parcel of 4.89 acres that fronts Las Tablas Road. The subject site is a 3.81 acre site with its access off of Las Tablas Road along the westerly border of the front parcel. The associated 4.89 acre parcel has an approved Conditional Use Permit for a 110,551 square foot in-patient facility with 192 beds, providing assisted living, skilled nursing, sub-acute care and Alzheimer care and associated offices. This facility has not been built yet. The project was approved in December 2001 and has associated conditions that mitigate Riparian Resources, Aesthetics, Lighting, Air Quality, Biology, and Paleontological Resources. Both parcels are being used in the project description as one site in accordance with the Land Use Ordinance in order to associate the residential development as accessory to the office and professional use on the property and for the area in the Office & Professional Land Use

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Category. The property is located east of Posada Lane south of Las Tablas Road, within the community of Templeton. APN: 040-280-057, in the Salinas River Planning Area. Also to be considered at the hearing will be approval of the Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures identified for: Air Quality, Biological Resource, Cultural Resources, Geology & Soils, Public Service/Utilities, Noise, Recreation, Transportation/Circulation. County File Number: S020319U / TRACT 2549. Date application accepted: March 19, 2003. Supervisorial District #1.

Susan Callado, staff, gives the staff report. Discusses uses in the surrounding area. States there is a need for medical housing in the county. Discusses multi-family dwellings and affordable housing. The residential component could be constructed without the commercial component. Requests Planning Commission set the direction in the area for use. Suggests discussion points. Discusses alternatives. Reviews issues brought up by interested individuals. Displays photographs. Displays conceptual drawings. Discusses conditions changes. Recommends adoption of the mitigated Negative Declaration, and approve the project based on Findings in Exhibits A and C, and subject to the Conditions in Exhibits B and D.

Commissioners request further information and clarification, with staff responding.

Jan DiLeo, County Parks. States Parks requested an easement along the south and north. When maintenance funds are available, a trail will be built. Consideration will be made as to whether there is connection for the trail. There was an offer to dedicate to the property along the south, and to the north as well. That will likely be used.

Richard Marshall, Public Works. States he reviewed the traffic study, made some recommendations, and concurs with the resulting report. Provides further information regarding pedestrian crossing at Las Tablas Road, stating it has been at issue for many years. Establishing pedestrian crossing in another location is very meticulous work that is presently in progress.

Chuck Stevenson, staff, discusses the Salinas River Area Plan, which recommends affordable housing, but does not require it. States the Area Plan states such projects should be encouraged, so it does not appear the Planning Commission can require this as a condition of approval. However, if applicant agrees to such a condition, it could be included.

Jim Orton, County Counsel, discusses Quimby fees and how much the fee can be. 2:14 p.m.

Richard Marshall, Public Works. Provides language for new subparagraph 38.i.

Tim Roberts, Agent. Describes the project. Describes details regarding various lots. Discusses the open space area. Discusses removing the play area and including a pool instead. States the open space cannot be developed with any kind of playground area. Displays floor plans. States the project is in compliance with Templeton Design Guidelines. Definition of "site" is discussed as it relates to this project. States uses in the area surrounding the site for this project should be considered. States there is a need for residential in-fill in this area. Describes some reasons. Discusses workforce housing. Describes a similar project by this applicant. Discusses concerns of the advisory group, providing information about how each issue was met by applicant.

Commissioners request further information and clarification, with agent responding.

Tim Roberts, Agent, states an agreement could be reached between applicant and staff whereby a play area could be included. Discusses eight affordable housing units, stating dedication of the units is an offer that has been made by applicant. States the whole project will be offered for sale to local residents for a period of 60 days. States applicant's goal is to cooperate, sell the units first come first served, but the applicant wishes for people working in the area to be able to afford a home near their work. Applicant believes the subdivision will be marketable in the area and they expect to sell out locally in a

short time period. Agent states his belief that all 41 units will be moderately priced. States applicant can provide an enclosed area with playground equipment for young children. Older children would not be served by such. Discusses other areas children will use. Discusses lighting.

Steve Oros, for Applicant. States he prepared the traffic study for this project. States the access will work directly to Las Tablas or directly to Posada or both. States in an emergency, one will use the route one uses daily. Discusses current traffic on Posada lane and their findings, and speculates about future needs, based on conditions observed in the area.

Andy Charnley, Applicant. States he wishes to resolve the affordable housing issue. States he offered it for this project because a previous project of his provided the same. States there will be 8 moderately priced units that will be offered at around \$300,000 or whatever is the figure for the area. States he will not oppose including a condition requiring that 8 units be affordable. Discusses the swimming pool and why that is being proposed.

Jim Orton, County Counsel, requests information about how the affordable units will be sold, stating simply selling at affordable prices is not the same as selling at affordable prices to persons in designated low income groups.

Andy Charnley, applicant, responds there are many individuals who can afford a \$300,000 home but there are few available in the area and he intends to provide some housing for those persons.

Dr. Harvey Billig, owner of neighboring parcel. Describes his actions as past owner of the property being proposed for this project. States he sold this property with the idea it would be a residential area. Describes a project approved in December 2001. Gives a short history of his previous project. States he polled physicians and the vast majority are in favor of this. Refers to other projects in the general vicinity. States there is not a great need for medical office space. States access to the project should be from both streets, Las Tablas and Posada. Discusses a trail through the property, and how it will affect his property.

Wendy Richardson, Templeton resident. States some details brought out today are not correct. Discusses Las Tablas Road, its conditions, and what can be expected if this project is approved. States she attended the TAAG meeting where this project was discussed. States those affected by this project do not want it. States Las Tablas cannot be widened to accommodate a project such as this one. Provides details of problems some others expect because of additional traffic. States workforce housing is a ploy by the County to get this project to move ahead. Requests denial of the project until more traffic studies have been done.

Rich Howell, TAAG. States this project was rejected unanimously by TAAG when it was first presented. All issues brought up by TAAG were addressed. Requests that decision be postponed to allow TAAG to review the updated project. States he is not satisfied with the traffic studies, and has brought this to the attention of Public Works. States the traffic study TAAG reviewed was prepared by the applicant. Discusses egress and states he shares the traffic concerns of Mrs. Richardson. States only 50% of land is to be used for residential, and this project proposes 100%, trying to piggyback on projects surrounding it. States his concerns about affordable housing and the affordability being preserved. States he sees school buses on Las Tablas all the time.

Tim Roberts, for Applicant. States there is disagreement between applicant and TAAG about the interpretation of various details. States there was a stalemate at the meeting. Reads from an APCD letter supporting the project. Requests approval, stating they are anxious to move forward.

Jan DiLeo, County Parks. States the Toad Creek Watershed and the tributaries are mentioned and it is her interpretation that these waters are included. Describes Parks and Recreation Element requirements. States they are not asking applicant to construct the trail, but only for the easement. If permits could not be obtained in the future, then the trail would not be constructed. States County Parks

is subject to the same permit requirements as any developer. States Public Facilities Fees are not collected in Templeton, so there can be no refund of such funds.

Richard Marshall, Public Works. States he reviewed the traffic study, and requested some changes, which were made to his satisfaction. Discusses Las Tablas Road.

Commissioners request further information and clarification, with staff responding.

Andy Charnley, applicant. States he agrees with affordable housing, except that it does not work after 30 years. States he also does not wish someone to buy and flip for profit. Gives a hypothetical situation, speculating on outcome after 30 years. Requests affordability be limited to five years.

The matter is fully discussed, and thereafter, on motion by Commissioner Roos, seconded by Commissioner Cooper, and carried, in the absence of Commissioner Liberto-Blanck, to adopt the mitigated Negative Declaration in compliance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000, et seq., and **RESOLUTION NO. 2004-096**, granting a Tentative Tract Map to ANDREW CHARNLEY for the above referenced project, based on the Findings in Exhibit B and the Conditions in Exhibit D, with the following changes, as shown in "strike-out and underline" format and RESOLUTION NO. 2004-097, granting a Conditional Use Permit to ANDREW CHARNLEY for the above referenced project, based on the Findings in Exhibit A and subject to the Conditions in Exhibit C, with the following changes, as shown in "strike-out and underline" format:

Exhibit D, Condition 1: A community recreation area with a swimming pool, a play area, a gazebo, restrooms and a BBQ facility with landscaping is also proposed. The project includes a pedestrian path. The project also includes a connection to an access bridge and road to Las Tablas Road and access ~~gated emergency entrance~~ to Posada Lane. Three access roads within the subdivision are also proposed.

Exhibit D, Condition 4: The payment of Quimby Fees and applicable Building Division fees, however, if the applicant provides recreation facilities (as noted in the project description), Tract 2549 may be eligible for a Quimby credit up to 50% of Tract 2549's required Quimby fee. In order to qualify for a Quimby credit, prior to obtaining final map clearance, the applicant shall provide the following data subject to the review and approval of County Parks:

A. Improvement plans incorporating the proposed recreation facilities.

B. An updated cost estimate for the proposed recreation facilities. The cost estimate shall be provided by a qualified professional and shall cover design and construction costs only. The amount of Tract 2549's Quimby Credit shall be based on the final, actual costs to design and develop the proposed recreation facilities up to 50% of the required County fee.

C. A copy of the project's CC&Rs. The project's CC&R shall clearly identify: that residential residents within Tract 2549 are eligible to use the recreation facilities, the form of ownership, and method of maintenance for the proposed recreation facilities.

The project's deeds and recorded covenants. These documents shall provide for the ownership and maintenance of the recreation facilities, and shall clearly restrict Parcel A for park and recreation purposes in perpetuity.

Exhibit D, Condition 5: An offer to dedicate a minimum fifteen foot wide trail corridor along Parcels A and B in the vicinity of Toad Creek. The offer to dedicate may be in fee or easement. The proposed location and design of the offer shall be reviewed and approved by County Parks prior to . . .

Exhibit D, Condition 6: An offer to dedicate a minimum fifteen foot wide trail along the commercial property located directly north of Tract 03-2549 in the vicinity of Toad Creek (unless an adequate offer to the public already exists). The offer to dedicate may be in fee or easement. The proposed location and design of the offer shall be reviewed and approved by County Parks . . .

Exhibit D, Add Condition 19, as follows:

****19.** Prior to recordation of final map, the applicant shall observe and ensure dedication of the riparian creek corridor to the county or other non-profit agency. The creek corridor shall average approximately 100 feet wide. The purpose of the corridor is to maintain the integrity of the creek. Some portions of the corridor may be slightly narrower than 100 feet if it does not degrade wildlife values and other portions of the corridor are proportionally wider than 100 feet. The applicant shall submit design plans for review and approval by the Department of Planning and Building and include design plans in regulatory permit application packages.

Delete Conditions 21 through 29, and renumber the remaining conditions consecutively. .

Revise Condition 42 as follows:

Exhibit D:

"Access and Improvements"

****42.33.** Roads and/or streets to be constructed to the following standards:

- ~~a. On site street constructed to a A-2 County Standard or a section for private streets from the Templeton Design Plan within a 40 foot dedicated right-of-way.~~
- ~~b. The access road from the property to Las Tablas Road be constructed to an A-1 County standard section (minimum paved width to be 18 feet) within a 40 easement. The connection to Posada Lane shall have sidewalk or other approved pedestrian way which meets the requirements of the Americans Disabilities Act.~~
- ~~c. The applicant shall submit revised plans showing widening of the intersection of the access road with Las Tablas Road to 30 feet to accommodate an 18 foot wide outbound lane for the review and approval by the County of San Luis Obispo Public Works Department.~~
 - a. A street connecting to Posada Lane constructed to an A-1 County standard section (minimum paved width to be 18 feet), within a 40 foot dedicated right-of-way. The connection to Posada Lane shall have sidewalk or other approved pedestrian way which meets the requirements of the American with Disabilities Act.
 - b. A private easement shall be reserved on the map for access to all lots.

Exhibit D: Add a new subparagraphs h. and i. To Condition 43 (new 34) as follows:

- h. The applicant shall submit revised plans showing widening of the intersection of the access road with Las Tablas Road to 30 feet to accommodate an 18 foot wide outbound lane for the review and approval of the County of San Luis Obispo Public Works Department.
- i. A pedestrian crossing of Las Tablas Road, if approved by the Public Works Department. This requirement may be included as a new crossing or enhancement of an existing crossing, as determined appropriate by Public Works.

Exhibit D: Add the following sentence to the end of Condition 49 (new Condition 40): As an alternative the applicant may provide evidence that they are part of the TCSD Bethel Road Basin/Park Drainage Project.

Exhibit D: Add new Conditions 52, 53 and 54 as follows:

****52** Prior to recordation of the tract map, the applicant shall enter into an agreement in a form approved by County Counsel to provide eight (8) residential units for persons and families of low or moderate income for a period of continued affordability for 5 years pursuant to the provisions of Section 22.12.070 of the San Luis Obispo County Code.

**53. Prior to filling the tract map, the applicant shall pay an affordable housing in-lieu fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

**54. All time frames on approved tentative maps for filing of final tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.

Exhibit C, Condition 1: . . . A community recreation area with a swimming pool, a play area, a gazebo, restrooms and a BBQ facility with landscaping is also proposed. The project includes a pedestrian path. The project also includes a connection to an access bridge and road to Las Tablas Road and access gated emergency entrance to Posada Lane. Three access roads within the subdivision are also proposed. . . .

Exhibit C, Add new Condition 5, as follows:

**5. Roads and/or streets to be constructed to the following standards:

- a. On site street constructed to a section for private streets from the Templeton Design Plan.
- b. The access road from the property to Las Tablas Road be constructed to a Templeton Design Plan section, with a 24-foot paved road, 4-foot landscaped parkway and a 4-foot pedestrian way on one side. The pedestrian way shall meet the requirements of the Americans with Disabilities Act.
- c. The applicant shall submit revised plans showing widening of the intersection of the access road with Las Tablas Road to 30 feet to accommodate an 18-foot wide outbound lane for the review and approval by the County of San Luis Obispo Public Works Department.

And renumber the remaining conditions.

Exhibit C, Change the lead-in paragraph for Condition 16 to read:

**16. During construction of improvements, based on Table 6-3 of the APCD's 2003 CEQA Handbook, the estimated construction emissions for the project will exceed the thresholds requiring mitigation. The following measures shall be incorporated into the construction phase of the project and shown on all applicable plans prior to construction permit issuance:

and subject to the Standard Conditions of Approval for Developments Using Water and Sewer, adopted.

#7. This being the time set for hearing to consider proposal by GARY AND KATHLEEN TUCKER for a Development Plan Conditional Use Permit to construct a new residential care facility for 28 residents which will include the construction of two approximately 6,000 square foot single story buildings each with its own kitchen and laundry facilities. This project will include a 16 space parking lot, four of which are handicapped accessible, and the removal of approximately 1.5 acres of wine grape vineyards. The facility is proposed to include landscaping and walls in between the structure and Highway 101 in the Agriculture Land Use Category. The property is located in the county on the eastern side of Highway 101 between Paso Robles and San Miguel, approximately 0.6 miles north of the intersection of Monterey Road and Highway 101, approximately 0.3 miles south of the intersection of Exline Road and Highway 101, between Monterey Road and Highway 101, and on the west side of Monterey Road, APN: 026-141-008, in the Salinas River Planning Area. This project is exempt under CEQA. County File Number: DRC2004-00003. Date Application accepted: August 31, 2004. Supervisorial District #1.

Chuck Stevenson, staff, discusses the project. States staff concerns about location and size. Stating staff has difficulty supporting this project in this location.

Ryan Hostetter, staff, presents the staff report. Describes the project, displaying vicinity and site maps, and photographs overhead. Discusses surrounding properties. Displays aerial views. Describes some of the problems associated with the project, displaying photographs. The current zoning is Agriculture. Agricultural uses are encouraged, and non-agricultural uses are discouraged. Discusses potential health conflicts because of maintaining the agricultural use on a large portion of the site. Describes other issues. States a letter in a local paper from the applicant describes the facility as a "skilled nursing facility," which is considered a medical facility, and not just a residential care unit, which is considered non-medical. Provides definitions. Refers to letter in staff report, page 7-16, which describes potential residents as being "typically unable to perform their own activities of daily living," which more nearly describes a skilled nursing facility. Recommends denial based on Findings in Exhibit A.

Commissioners request clarification and further information, with staff responding.

Kathy Tucker, applicant. Discusses application, using a PowerPoint presentation. Provides her personal history and gives reasons for wishing to build this project. Speaks to RCFE's (Residential Care Facilities for the Elderly). States only 64 such facilities are in the county, and provide 994 beds. States the proposal is for 10 rooms, giving maximum occupancy. Describes levels of senior care. States this is not a nursing home because that level of care would not be provided. Discusses objections to the project and how those will be met. Provides letter from San Luis Ambulance indicating response time is approximately 4 minutes. Requests approval.

Commissioners request further information and clarification, with applicant responding.

Ernie Kim, Architect, San Luis Obispo. States the initial studies done in consultation with soils engineer each facility will require about 400 feet, with each line separated by 9 feet, for the leach field. That is approximately ½ acre. Total disturbance is expected to be just under 2 acres, in the neighborhood of 70,000 square feet. Describes site as fairly level. Responds to various questions from Commissioners.

Robert Lewin, CDF/County Fire Marshal. States CDF will serve this project wherever it ends up. Response times in letter are based on response time map. The area is within 10 minutes. The closest fire station is Paso Robles, and next is Meridian. The kind of water system is important. Elderly care facilities require many responses regardless of their location. CDF units and ambulances respond to such units frequently as their needs are high. States any medical aid call will have an ambulance and an engine sent. States ambulance has paramedics on board, engines have EMT's on board.

Barbara Tucson, resident of Monterey Road. States she walks along Monterey Road daily. It is very quiet. States it is a peaceful area where she would like to live forever.

Sam Robertolock. States he lives north of the proposed project. States he is a professor and in soil science. States the soils percolate well, with almost no water holding capacity. Productivity is low. Describes 3 residences, 7 commercial businesses, and 2 quasi-agricultural enterprises. States one is his, and it has profited only very little. States his understanding others have had similar experience. States the property is too small for a winery. States his concerns about what could be built on that site, and states this is a great opportunity and he is happy this is proposed. States more care facilities are needed in the county, relating his personal experience. Relates a personal experience regarding trying to find a care facility today.

Earl Lloyd, resident of Paso Robles area. States he is in favor of this project because of the expected quality of care. Confirms difficulty of finding room for an elderly parent. Describes benefits for in-patients and their families. States noise is not an issue in that area. States the impact is only positive.

Gayle Canejo. States that people who live in this area often wish to stay here when they are elderly. States some facilities are appalling. States she was thrilled when she learned of this project, and that it will look like two lovely homes. States this is one mile from Paso Robles.

Susan Hays. States she lives with her husband and two boys in central California. States she is here on behalf of applicant. Describes the applicant and the applicant's "dream." Gives some family history of the Tuckers. States this project will be an asset to the community. Describes her experience with traffic in the neighborhood of the proposed project.

Sandra Liese, area resident in a senior mobile home park. States seniors need quality care in this area. States seniors should be able to stay near their families.

Kathryn Gates, resident of Paso Rancho Senior Home. States they are 10 minutes from the hospital, too. States the Fire Department comes in there often. They have the same response time as the proposed project. States she enjoys late at night hearing the train go by. Urges approval of the project.

Suzanne Redford, resident of Paso Robles area. States she has lived there 30 years with her family. Gives short history of her family's experience when her father became ill. States many families have similar experiences. States this project would be "perfect" and will be safe. States one could have no one better or more knowledgeable than Kathy Tucker.

Maureen Rosen, Social Service Discharge Planner, in an area skilled nursing facility. States it is her job to help people locate a place for seniors to stay. States that maintaining life near their experience is difficult. Most seniors would choose a skilled nursing facility last. States seniors do not wish to "go home and ruin their families' lives." States they know they need help, and need a place to go. Such facilities are in short supply in this county. States it is her firm belief the Tucker project is needed, and that the applicants are well qualified.

Irwin Nielsen, San Miguel area. Recalls his family's experience with a care facility. Describes some details. States the residents do not care how close the hospital and ambulance are, only the hospital and ambulance care about that.

Merle Miller, native of North County. States he is a farmer and rancher. Describes his personal family experience, stating it was difficult to find a place for his mother to live. The care was fine but the environment was terrible. States agricultural use in that area is "gone." States if the vineyard were any good and the applicant could make money on it, they would not be seeking approval today.

Marjorie Hammond, 40-year resident of Paso Robles. Submits letters from other area residents. Addresses urban sprawl, stating this project will not lead to urban sprawl. Noise is not an issue in the area. Distance to medical facilities is acceptable, because there is little traffic between the facility and the hospital. Urges approval of the project.

Kathy Tucker, applicant. Thanks speakers for time, as well as staff and Commissioners. States the seniors of this community need and want this project. States she knows what Title 22 requires and can meet those requirements. States many kinds of patients would not be allowed in the proposed facility, such as bedbound, catheterized, etc. Requests approval.

Commissioners request clarification and further information, with applicant responding.

Chuck Stevenson, staff, states a design in an urban area that was an institutional design would not be supported. States the Commission, under Title 22, a residential care facility is board and care for ambulatory residents. That is allowed in the Agriculture Land Use Category. States if the patients will be non-ambulatory, then the use is not allowed. That is the "nut to crack."

Commissioners request further clarification and information, with staff responding.

Thereafter, on motion by Commissioner Roos, seconded by Commissioner Cooper, and carried, in the absence of Commissioner Liberto-Blanck, to continue this project off calendar, and direct staff to do the necessary environmental review and prepare an environmental document, and return with Findings and Conditions for approval.

Thereafter, motion by Commissioner Roos, seconded by Commissioner Cooper, to take all documents submitted today into the record, carries unanimously.

Respectfully submitted,
Lona Franklin, Secretary
County Planning Commission